

Remarks

The Amendments

Claim 10 has been amended to recite “the recombinant vector of claim 8” in place of “the recombinant of claim 8.” The amendment is supported by claim 8 which is directed to “A recombinant vector.”

Claim 11 has been amended to recite that the purified nucleic acid of at least 12 nucleotides in length hybridizes to “a nucleic acid molecule in an *in situ* hybridization assay performed in a cell at 60°C in 4x SSC and 50% formamide, wherein the nucleic acid molecule comprises SEQ ID No. 1, SEQ ID No. 3, a sequence complementary to SEQ ID No. 1, or a sequence complementary to SEQ ID No. 3” in place of “nucleic acids of a calcium sensing cell and with SEQ ID No. 1, SEQ ID No. 3, or a complementary sequence thereof.” These amendments are supported by the specification at page 33, line 8 to page 34, line 5, which describes an “*In situ mRNA hybridization assay*” performed “at 60°C in a chamber humidified with 4X SSC and 50% formamide.” (Page 33, lines 28-29.)

Claims 24 and 25 have been amended to recite an isolated HCaRG cDNA or mRNA “comprising the open reading frame of claim 35 [or claim 41]” in place of “that encodes SEQ ID NO: 2 [or SEQ ID NO: 4].” The amendment is supported by the specification which discloses that an open reading frame encoding an HCaRG polypeptide is included within a cDNA molecule. The specification discloses, “The rat 1100-bp reconstituted cDNA sequence contained an open reading frame of 224 codons preceded by 2 in-frame stop codons and followed by the most frequent variant of the poly A tail.” (Page 20, lines 20-22.)

None of these amendments introduces new matter. Thus none of these amendments requires a new search. The amendments were not made earlier because applicants were first made aware of the alleged deficiencies in the claims in the pending Office Action. The amendments are also believed to place the claims in condition for allowance.

The Rejection of Claims 10-13, 19-21, and 47-52 Under 35 U.S.C. § 112, second paragraph

Claims 10-13, 19-21, and 47-52 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is respectfully traversed.

Claim 10

The Office Action asserts that the recitation “the recombinant of claim 8” is unclear. Claim 10 has been amended to recite “a recombinant vector of claim 8.”

Claims 11-13, 19-21, and 47-52

The Office Action asserts that claims 11-13, 19-21, and 47-52 are indefinite because the metes and bounds of the recitation “hybridizes to” are unclear. Claim 11, the only independent claim of this rejected claim set, has been amended to clarify that the nucleic acid hybridizes “in an *in situ* hybridization assay performed in a cell at 60°C in 4x SSC and 50% formamide.”

Withdrawal of these rejections to claims 10-13, 19-21, and 47-52 is respectfully requested.

The Objection to Claims 35 and 41

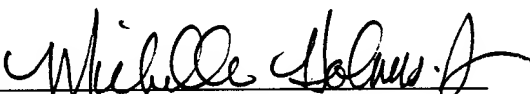
Claims 35 and 41 have been objected to as being substantial duplicates of claims 24 and 25, respectively. Applicants respectfully traverse.

A mere difference in scope of claims is sufficient to demonstrate that one claim is not a duplicate over another claim. See MPEP § 706.03(k). Claims 24 and 25, directed to an isolated HCaRG cDNA or mRNA, have been amended to depend from claims 35 and 41, directed to an isolated open reading frame encoding an HCaRG polypeptide, respectively. The amendment clarifies that claims 24 and 25 are narrower in scope than claims 35 and 41. Thus claims 35 and 41 are not substantial duplicates of claims 24 and 25.

Withdrawal of this objection is respectfully requested.

Respectfully submitted,

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